



1, 2010, stating that he had not attached a complaint or other pleadings. (Docket No. 3.) Petitioner was directed to submit a petition within thirty days from the date of the notice or face dismissal of the action. (Id.)

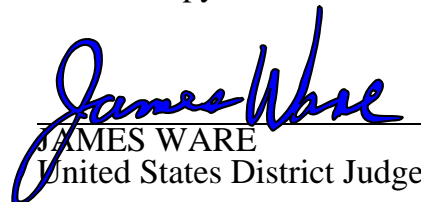
Petitioner responded in a letter filed September 27, 2010, asserting that he filed a petition the previous month. Unfortunately, it appears that due to a clerical error the petition became separated from the Exhibits and not filed. Accordingly, petitioner is directed to file another copy of the petition which he intended to accompany the Exhibits filed under Docket No. 1. Petitioner should also file any missing pages from the Exhibits as he deems appropriate, see note 1, and identify where the supplemental pages should be filed. **Petitioner is directed to file a copy of the original petition, or use the court's form petition to file a newly prepared petition, no later than thirty (30) days from the date of this order.** The petition will be deemed filed as of the date the Exhibits were received.

Petitioner's in forma pauperis application, (Docket No. 4), is deficient because petitioner failed to submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison. Petitioner shall file the completed Certificate **no later than thirty (30) days from the date of this order.**

**Failure to file a petition and a Certificate of Funds in Prisoner's Account in the time provided by this order may result in dismissal without prejudice of this action without further notice to petitioner.**

The Clerk shall enclose two copies of the court's form petition and two blank Certificate of Funds in Prisoner's Account with a copy of this order to petitioner.

DATED: January 24, 2011

  
JAMES WARE  
United States District Judge

pages 32-34 of a decision dated February 3, 1998, pages 32-33 of a decision dated February 25, 1997, and pages 44-48 of a decision dated January 4, 1995.

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

GUY LEMIEUX,

Petitioner,

v.

R. GROUNDS, Warden,

Respondent.

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Case Number: CV10-03685 JW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 1/31/2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Guy Lemieux D-42425  
P.O. Box 689  
Z-Wing-125L  
Soledad, CA 93960-0689

Dated: 1/31/2011

Richard W. Wieking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk